

**CHAPTER 1**

**ADMINISTRATION AND GOVERNMENT**

**Part 1**

**Planning Commission**

- §101. Creation of Planning Commission**
- §102. Powers and Duties of Commission**
- §103. Membership**

**Part 2**

**Compensation of Township Supervisors**

- §201. Compensation of Township Supervisors**

**Part 3**

**Recognition of Firemen's Relief Association**

- §301. Recognition of Firemen's Relief Association**
- §302. Certification to Auditor General**
- §303. Annual Appropriation**

**Part 4**

**Drug and Alcohol Personnel Policy**

- §401. Purpose**
- §402. Application**
- §403. Federal Regulations**
- §404. Policy Established**
- §405. Tests Established**
- §406. Test Standards**
- §407. Positive Tests/Return to CDL Duty**
- §408. Follow-Up**
- §409. Test Results**
- §410. Confidentiality of Documents**
- §411. Record Keeping**
- §412. Access to Test Results and Findings**
- §413. Employee Assistance Program**
- §414. CDL Information Contact**

ADMINISTRATION AND GOVERNMENT

§415. Miscellaneous

**Part 5**

**Municipal Retirement System**

§501. Enrollment in Retirement System  
§502. Membership  
§503. Credit for Service  
§504. Payments  
§505. Benefits  
§506. Intent  
§507. When Effective

**Part 6**

**Open Records Policy**

§601. Requests for Public Records  
§602. Fees for Copies and Other Media  
§603. Response to Records Requests  
§604. Denial of a Request and Appeals Process

**Part 7**

**Uniform Construction Code Board of Appeals**

§701. Purpose  
§702. Composition  
§703. Terms  
§704. Compensation  
§705. Vacancies  
§706. Conflicts of Interest  
§707. Meetings  
§708. Hearings  
§709. Officers; Quorum  
§710. Powers and Duties  
§711. Rules and Procedures  
§712. Effect on Actions

**Part 8**

**Municipal Authority**

- §801. Name of Authority**
- §802. Purpose and Powers**
- §803. Articles of Incorporation**
- §804. Publication of Notice**
- §805. Filing of Articles of Incorporation**
- §806. First Members**

**Part 9**

**Park and Recreation Advisory Board**

- §901. Title**
- §902. Establishment; Terms of Office; Compensation**
- §903. Organization**
- §904. Duties of the Board**
- §905. Staff and Technical Assistance**
- §906. Rules and Regulations; Violations and Penalties**
- §907. Operational Responsibility**



**Part 1**

**Planning Commission**

**§101. Creation of Planning Commission.**

Pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. §10101 et seq., there is hereby created in Conewago Township a Planning Commission.

(Ord. 1974-1, 5/13/1974, §1)

**§102. Powers and Duties of Commission.**

The Planning Commission shall have all of the powers and duties conferred on planning agencies by the aforesaid Code.

(Ord. 1974-1, 5/13/1974, §2)

**§103. Membership.**

The Planning Commission shall have seven members. The term of each member shall be for four year, or until his or her successor is appointed and qualified. The terms of the members first appointed, however, shall be so fixed that no more than two member shall be reappointed or replaced during any calendar year, unless it be due to resignation, death, or removal for just cause as provided for in the Pennsylvania Municipalities Planning Code. All terms shall expire the 30th day of April in the year of expiration.

(Ord. 1974-1, 5/13/1974, §3; as amended by Ord. 1976-1, 5/10/1976, §1)



**Part 2**

**Compensation of Township Supervisors**

**§201. Compensation of Township Supervisors.**

1. Each Supervisor of Conewago Township elected or appointed to office on or after March 1, 2005, shall be entitled to receive annual compensation in the amount of \$1,875 payable monthly in the amount of \$156.25 for the duties imposed by the Second Class Township Code.
2. No Supervisor shall receive annual compensation under this Part in excess of the annual statutory limit set by the General Assembly for Supervisors of Townships within the appropriate population category.

(Ord. 1985-2, 12/11/1985; as amended by Ord. 1997-1, 1/6/1997; and by Ord. 1-2005, 2/9/2005, §1)





**Part 3**

**Recognition of Firemen's Relief Association**

**§301. Recognition of Firemen's Relief Association.**

1. Such associations as provided from time to time pursuant to resolution of the Board of Supervisors are hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township of Conewago. Such associations have been formed for the benefit of their members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.
2. Such associations of the Township are designated the proper associations to receive such funds as are due and payable to the Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies in such allocations as provided by resolution of the Board of Supervisors.

(Ord. 1997-1, 1/6/1997)

**§302. Certification to Auditor General.**

The Board of Supervisors shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Township. Such certification shall be on forms prescribed by the Auditor General. (Ord. 1997-1, 1/6/1997)

**§303. Annual Appropriation.**

There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Township Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act. (Ord. 1997-1, 1/6/1997)



## Part 4

### Drug and Alcohol Personnel Policy

#### §401. Purpose.

1. To comply with the requirements of employers pursuant to the Federal legislation concerning commercial drivers licenses (CDL) pursuant to the Omnibus Transportation Employee Testing Act of 1991 and the Federal regulations thereto insofar as they apply to this Township.
2. To conform the employment policies of this Township with the requirements of said law and regulations.

(Res. 1-96, 1/2/1996, §I)

#### §402. Application.

This policy shall apply only to those employees and applicants for employment who are required to have a CDL license for their employment by the Township and who are assigned to operate Township owned, leased or borrowed vehicles or equipment requiring CDL licensure. (Res. 1-96, 1/2/1996, §II)

#### §403. Federal Regulations.

The regulations of the Federal Highway Management Administration are hereby adopted by reference insofar as they apply to this Township and this policy. (Res. 1-96, 1/2/1996, §III)

#### §404. Policy Established.

1. Employees shall not use, sell, possess or receive alcohol or illegal drugs, or distribute or sell prescription drugs while on duty. Violation of these rules will subject the employee to discipline and/or dismissal pursuant to the provisions of §407 of this Part, subject to any applicable provisions and procedures of the collective bargaining agreement in effect, if any.
2. Prescription drugs must be kept in their original container identifying the drug, dosage, date of prescription and physician. Employees are required to notify their designated supervisory personnel if they are taking a prescription drug and shall file with the Township a statement on a form provided by the Township from the doctor who issued such prescription stating whether or not such prescription drug will impair the employee's ability to operate a CDL vehicle or equipment. The term "illegal drugs" shall include drugs for which the employees does not have a

## ADMINISTRATION AND GOVERNMENT

valid prescription, and cocaine, phencyclidine (PCP), marijuana, opiates (including heroin), amphetamines and such other illegal drugs as may be identified from time to time.

(Res. 1-96, 1/2/1996, §IV)

### **§405. Tests Established.**

The following drug and alcohol test procedures shall be applicable to all employees and applicants for employment to whom this policy applies:

- A. Pre-employment. All applicants for employment shall be tested for drugs prior to acceptance for employment by the Township. Any applicant testing positive shall not be considered for employment. The Township will reimburse the applicant for the cost of this test if the test is negative and if employment is offered to and accepted by the applicant.
- B. Random. The Township will implement a random testing procedure which meets the requirements of the Federal regulations. The procedure shall include Township paid tests of affected employees on a random basis and shall be conducted without any advance notice; but shall be done not less than on a quarterly basis. The number of affected employees selected shall be done not less than on a quarterly basis. The number of affected employees selected shall be at least 50% of the employees for drug testing and 25% of the employees for alcohol testing annually; provided, however, that the requirements of this policy shall be satisfied if the above percentages are selected from a pool of employees which includes the Township's employees.
- C. Reasonable Cause. Any employee giving reasonable cause to believe that he or she is in violation of the policy established in §404, above, shall be subject to Township paid testing immediately upon observation of such reasonable cause by trained supervisory personnel. Reasonable cause shall be limited to behavior or conduct observed at the workplace or in route to a work place during working hours. Observation shall be by supervisory personnel who have received at least one hour of training in drug use detection and one hour of training in alcohol use detection. Supervisory personnel making reasonable cause observations shall make and file with the Township a written report on a form provided by the Township of the attendant circumstances. Such reports shall be confidential.
- D. Post Accident. Any employee involved in an accident as defined herein shall be tested at the Township's expense for drugs as soon after an accident occurs as is possible, but not later than 32 hours, and for alcohol as soon after an accident as possible, but not later than eight hours. Provided:
  - (1) Testing should not take precedence over needed medical treatment or other needed emergency measures.

- (2) If for any reason the tests cannot be obtained within the times provided, the tests shall not be administered. However, refusal to submit to a test or interfering with the successful completion of such a test shall be deemed a positive test result in accordance with §406, below.
- (3) No employee shall consume alcohol or illegal drugs between the time of the accident and the test administration.
- (4) An accident shall include any occurrence involving a CDL vehicle where the following conditions occur: (a) there is a fatality regardless of fault; or (b) there is issuance of a citation to the Township CDL employee for a moving violation, and (i) bodily injury of any person involved requiring transportation of the injured person away from the accident scene for treatment or (ii) vehicular damage requiring the vehicle to be towed from the scene.

(Res. 1-96, 1/2/1996, §V)

#### **§406. Test Standards.**

Any refusal or failure by the CDL employee or applicant to submit to any test required by this policy or the applicable law shall be deemed to be a positive result. Refusal to submit to a test under this policy shall include any act or omission which prevents, thwarts or frustrates the objectives of this policy including, without limitation, the following: (1) refusal to submit in a timely fashion to testing; (2) refusal or failure by the employee or applicant to complete, sign or initial the required testing form; (3) refusal or failure without good cause to provide any sample or provide an adequate sample for testing; and/or (4) failure or refusal to otherwise cooperate with the testing process in a way which prevents the completion of any required test.

- A. **Alcohol Testing.** Alcohol testing shall be conducted using a Federally approved breathalyzer. Any employee receiving a test result of greater than .02 but less than .04 breath alcohol level shall be removed from safety sensitive duties as defined in the act and the regulations for 24 hours. Any test result of greater than .04 breath alcohol level shall be considered a positive test and shall subject the employee to the disciplinary provisions of §408 of this policy.
- B. **Drug Testing.** Drug testing shall be conducted by urine sample which shall be analyzed at a Federally approved testing facility. Any test result showing the presence of illegal drugs shall be considered a positive test and shall subject the employee to the disciplinary provisions of §407 of this policy. Any employee testing positive for illegal drugs may request a split sample of the same specimen to be retested, at the employee's expense. Employees should speak with the Medical Review Officer about such request.

## ADMINISTRATION AND GOVERNMENT

(Res. 1-96, 1/2/1996, §VI)

### **§407. Positive Tests/Return to CDL Duty.**

1. Return to Duty Offered Once. An employee who tests positive for a drug and/or alcohol test will be allowed to return to CDL duty if this is the employee's first positive test and the employee, prior to returning to CDL duty:
  - A. Consults such drug and alcohol abuse professionals to whom the employee has been referred at the employee's expense.
  - B. Completes all recommended treatment at the employee's expense.
  - C. Completes all necessary drug and/or alcohol tests at the employee's expense and obtains negative results.
2. Any subsequent positive result to a drug and/or alcohol test by this same employee will subject that employee to immediate dismissal by the Township.

(Res. 1-96, 1/2/1996, §VII)

### **§408. Follow-Up.**

If an employee who tests positive for a drug and/or alcohol test is offered the chance to return to CDL duty, that employee shall be subject to and pay for unannounced follow-up drug and/or alcohol tests as directed by the substance abuse professional for a period of 60 months following return to CDL duty. At least six unannounced follow-up drug and/or alcohol tests shall be conducted in the first 12 months following return to CDL duty. Such tests shall be conducted as directed by the assigned substance abuse professional. (Res. 1-96, 1/2/1996, §VIII)

### **§409. Test Results.**

Employees will be notified of their positive test results. Test results shall be retained by the Medical Review Officer responsible for analyzing the employee's test results. Said results shall be held in strictest confidence and shall be accessible only to the employee, the employer, and such other persons authorized by law and shall not be released to any other person except with the written consent of the employee. The results of tests made known to the Township may be released to future employers in accordance with the Federal regulations. (Res. 1-96, 1/2/1996, §IX)

**§410. Confidentiality of Documents.**

All files, documents and records of the Township related to the application of this policy to individual employees shall be deemed and kept confidential by the Township. (Res. 1-96, 1/2/1996, §X)

**§411. Record Keeping.**

1. All of the records relating to the administration and results of the Township's alcohol and drug testing program for its CDL drivers will be maintained for a minimum period of five years, except that individual negative test results will be maintained for a minimum of 12 months.
2. Tests will be conducted by a licensed facility and will be analyzed by a Medical Review Officer. The Medical Review Officer who is appointed shall be a licensed doctor of medicine or osteopathy with knowledge of drug and alcohol abuse disorders and who is employed by the Township, or group which the Township has joined, to conduct alcohol and drug testing in accordance with the Federal regulations. The Medical Review Officer shall be the sole custodian of individual test results. The Medical Review Officer shall retain the reports of individual test results for a minimum of five years.
3. The Township shall retain in the employee's personnel file information indicating only the following:
  - A. The employee submitted to a drug and/or alcohol test.
  - B. The date of such test.
  - C. The location of such test.
  - D. The identity of the person or entity performing the test.
  - E. The test result (e.g., "positive" or "negative").
4. The Township will also maintain an annual calendar year summary of the records related to the administration and results of the testing program for its drivers under the Federal regulations.

(Res. 1-96, 1/2/1996, §XI)

**§412. Access to Test Results and Findings.**

No person may obtain the individual test results retained by the Medical Review Officer, and no Medical Review Officer shall release the individual test results of any em-

## ADMINISTRATION AND GOVERNMENT

ployee to any person without first obtaining written authorization from the tested individual unless otherwise requested by law. (Res. 1-96, 1/2/1996, §XII)

### **§413. Employee Assistance Program.**

The Township shall establish the following:

- A. A list of consultative and treatment services available in the area for drug and alcohol abuse problems. Said list shall be given to each employee or posted at a place readily accessible to employees.
- B. List of educational and training resources available in the area for drug and alcohol abuse problems. Said list shall be given to each employee or posted at a place readily accessible to employees.
- C. A place or service for referring employees who test positive for drugs or alcohol for consultation and treatment.
- D. A one-hour training and educational program for employees.
- E. One-hour training each in drug and alcohol detection and related matters for supervisory personnel. Said training programs shall include the following components:
  - (1) Effects of drug and alcohol abuse on health and safety.
  - (2) Manifestations of abuse and abuse detection.
  - (3) Documentation of training and implementation of this policy.

(Res. 1-96, 1/2/1996, §XIII)

### **§414. CDL Information Contact.**

1. The following entity is designated by the Township for the purpose of providing information to employees concerning the Federal laws and regulations governing the testing of CDL employees and for implementing and monitoring the Township's compliance with the Federal testing program:

PSATS CDL Drug and Alcohol Testing Program  
3001 Gettysburg Road  
Camp Hill, PA, 17011  
Phone: 1-800-235-7579  
Fax: 1-717-763-9732.



2. Designation of the PSATS Program as available to provide information to the Township's employees shall continue for as long as the Township is a member in good standing in the PSATS Program.

(Res. 1-96, 1/2/1996, §XIV)

**§415. Miscellaneous.**

1. This policy shall be implemented with the constitutional and legal rights of the employees subjected to it.
2. This policy shall not be deemed to be a covenant of employment or other form of covenant or contract between the Township and any employee.
3. Any collective bargaining agreement entered by the Township subsequent to the adoption of this policy shall conform with the provisions of this policy.
4. Any agreement for the sharing, leasing, lending or other transfer of CDL employees between the Township and any other municipality or private enterprise shall address in writing the status of said employees as to whether they are employees of the receiving entity during the period of the transfer.
5. Any contract for services involving CDL employees shall expressly state whether the contracting party is an independent contractor or employee/agent of the Township.
6. The definition of terms shall be as contained in the relevant Federal regulations.
7. A copy of this policy shall be delivered to every employee and applicant for employment who is subject to it and to all supervisory personnel. Such employee shall sign an acknowledgment of receipt of the policy.
8. A copy of the controlling law and federal regulations shall be maintained in the Township offices and shall be accessible to employees, upon request.
9. This Policy will be limited by any applicable Federal or State law or Township ordinance, and by any applicable collective bargaining agreements. Any portion of this policy which directly conflicts with such a law, ordinance or agreement will not be implemented in that jurisdiction or bargaining unit, but shall be severable and shall not affect the validity and enforcement of the remainder of the policy.
10. Employees agree to waive any liability against the Township arising out of the Township's administration of this policy and its administration of the program established pursuant to the Federal law or regulations regarding the Township's responsibility for CDL drivers.

(Res. 1-96, 1/2/1996, §XIV)



**Part 5**

**Municipal Retirement System**

**§501. Enrollment in Retirement System.**

Conewago Township hereby elects to enroll its municipal employees in the Pennsylvania Municipal Retirement System, established by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, with the express purpose of having the Pennsylvania Municipal Retirement System administer the pension plan established for the municipal employees of the Township. Conewago Township does hereby agree to be bound by all the requirements and provisions of said law and to assume all obligations, financial and otherwise, placed upon member municipalities by said law. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement System.

(Ord. 2001-1, 2/14/2001, §I)

**§502. Membership.**

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Township. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

(Ord. 2001-1, 2/14/2001, §II)

**§503. Credit for Service.**

1. Credit for service toward the annuity of each original member shall begin to accrue upon the effective date of the agreement between the Township and the Pennsylvania Municipal Retirement System. However, for purposes of determining eligibility for early retirement and vesting, credited service shall accrue from each original member's date of hire. Benefits provided to members in the agreement dated February 14, 2001, shall accrue based on all credited service granted and earned in accordance with this section.
2. The Township hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

(Ord. 2001-1, 2/14/2001, §III)

## ADMINISTRATION AND GOVERNMENT

### **§504. Payments.**

Payment for any obligation established by the adoption of this Part and the agreement between the system and Conewago Township shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

(Ord. 2001-1, 2/14/2001, §IV)

### **§505. Benefits.**

As part of this Part, the Township agrees that the system shall provide the benefits set forth in the agreement between the Board and Conewago Township, dated February 14, 2001. The passage and adoption of this Part by the Township is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package.

(Ord. 2001-1, 2/14/2001, §V)

### **§506. Intent.**

Conewago Township intends this Part to be the complete authorization of the Township's municipal pension plan.

(Ord. 2001-1, 2/14/2001, §VI)

### **§507. When effective.**

A duly certified copy of this Part and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Conewago Township in the Pennsylvania Municipal Retirement System shall be effective the first day of January 2001.

(Ord. 2001-1, 2/14/2001, §VII)

## Part 6

### Open Records Policy

#### **§601. Requests for Public Records.**

1. Public records will be available for inspection and copying at the Township Municipal Building during normal business hours, Monday, Wednesday and Thursday, 10:00 a.m. to 5:00 p.m., with the exception of Township holidays.
2. All requests for public records shall be in writing and directed to the Township Secretary at the Conewago Township Municipal Building, 3279 Old Hershey Road, Elizabethtown, PA 17022.
3. Written requests shall be on a form provided by the Township and shall include the date of the request, the name and address of the requester, and a clear and specific description of the records requested.<sup>1</sup>

(Res. 2003-1, 1/6/2003)

#### **§602. Fees for Copies and Other Media.**

1. Paper copies will be \$0.10 per page per side with the first 10 copies free of charge.
2. If mailing is requested, the cost of postage will be charged.
3. If a diskette is requested, the Township, at the cost of \$1 per diskette, will provide it. A new diskette will be provided for each record request.
4. Fax copies will be available at the cost of \$0.50 per page.
5. If "True and Correct Certification" is requested, an additional charge of \$10 will be added.
6. If additional costs in complying with any request are incurred, other reasonable fees may be assessed, such as custodial responsibilities during review of the records to assure that the records are not tampered with or removed from Township files. The custodial fees will be charged at 1.2 times the record custodian's normal rate of pay, calculated on an hourly basis, at fifteen-minute intervals rounded to the next higher interval.
7. The Township will review the request and estimate the fees for the requester, and will require a deposit in the amount of the estimated fees but will refund any excess deposit upon completion of the records request.

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<sup>1</sup> Editor's Note: The Record Request Form is available from the Township Secretary.

## ADMINISTRATION AND GOVERNMENT

(Res. 2003-1, 1/6/2003)

### **§603. Response to Record Requests.**

The Township staff will make a good faith effort to provide the requested public records as promptly as feasible.

1. Township employees shall cooperate with those requesting to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft and/or modification.
2. The Township Secretary shall review all written requests for access to public records.
3. As soon as possible, but no later than five business days after receiving a written request to access public records, the Township Secretary shall respond to all such requests in accordance with the requirements of Act 100 of 2002, the Open Records Law.
4. The Township Secretary will consult the Township Solicitor if it is believed that the release of a record or portions of the record may not be public information.
5. The Township Secretary will not create a record that does not exist or to put a document into a format that does not exist.
6. If part of a record or document is public and part of it is not, the Township may remove portions of a record that are not public information, and the Township Secretary will provide a written denial in accordance with §604 below for any removed portions of the document.
7. Conewago Township may use up to 30 additional days if it must remove portions of a record that are not public, retrieve records not stored on-site, or obtain a legal review of the records requested; is experiencing a bona fide staffing shortage; or if the requester has not complied with municipal policies for records access. If the additional days are needed, the municipality must notify the requester of the delay in writing within the first five business days of receiving the request.

(Res. 2003-1, 1/6/2003)

### **§604. Denial of a Request and Appeals Process.**

1. The Township will deny a request for a document if that document is not a public document. All denials will be provided in writing, even if only a portion of the document is denied or removed. The written denial must include the following:

- A. A description of the record;
  - B. The specific reasons for the denial, including legal citations and, if applicable, reasons from a legal opinion of why a record is not public;
  - C. The typed or printed name, title, business address, business telephone number, and signature of the Township official denying the request;
  - D. The date of the denial; and
  - E. The appeal procedure in Act 100 of 2002 [Section 3.4(c)].
2. If a written request is denied or deemed denied, the requester may file exceptions with the Board of Supervisors within 15 business days of the mailing date of the Township's denial. The exceptions shall state grounds on which the requestor asserts that the record is a public record and shall address any grounds stated by the Township for denying the request.
  3. Upon receipt of an exception of denial from a requestor in accordance with the requirements above, the Board of Supervisors will address the exception at a regularly scheduled meeting. The Board of Supervisors shall make a final determination on the exceptions within 30 days of the mailing date of the exceptions. The Board of Supervisors may hold a hearing on the issue during the 30 days. If the Board determines that the denial was correct, it must provide a written explanation to the requester.
  4. The requester may appeal a final determination to the Common Pleas Court or District Justice within 30 days of denial or final determination.

(Res. 2003-1, 1/6/2003)





## Part 7

### Uniform Construction Code Board of Appeals

#### **§701. Purpose.**

The Township of Conewago Uniform Construction Code Board of Appeals shall function in accordance with and have powers and duties conferred upon it by the Pennsylvania Uniform Construction Code. The Board of Appeals shall exist to hear and rule on all appeals of the Building Code Official's determination on matters concerning all buildings, structures and the general health, safety and welfare of the community.

(Res. 2004-5, 7/14/2004, §1)

#### **§702. Composition.**

1. In accordance with the PA Uniform Construction Code, the UCC Board of Appeals shall consist of five qualified members, and shall be composed of members as follows:
  - A. A member of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer.
  - B. A member of the Board of Appeals holds office at the pleasure of the municipality's governing body.
  - C. Members of Township's governing body and its code administrators may not serve on the Board of Appeals.
2. The Board of Supervisors may fill a position on the Board of Appeals with a qualified person who resides outside of the municipality when it cannot find a person within the municipality who satisfies the requirements of this section.

(Res. 2004-5, 7/14/2004, §2)

#### **§703. Terms.**

The members of the Board of Appeals shall be appointed by the Board of Supervisors for terms of five years, in such order that at least one member's term shall expire annually.

(Res. 2004-5, 7/14/2004, §3)

## ADMINISTRATION AND GOVERNMENT

### **§704. Compensation.**

The members of the Board of Appeals shall serve with such pay as is established from time to time by the Board of Supervisors by resolution.

(Res. 2004-5, 7/14/2004, §4)

### **§705. Vacancies.**

Vacancies on the Board of Appeals occurring otherwise than by expiration of a term shall be filled by the Board of Supervisors for the unexpired term in the same manner as the original appointment. The Board of Supervisors may remove any member of the Board of Appeals, at the pleasure of the Board of Supervisors.

(Res. 2004-5, 7/14/2004, §5)

### **§706. Conflicts of Interest.**

A Board of Appeals member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.

(Res. 2004-5, 7/14/2004, §6)

### **§707. Meetings.**

The Board of Appeals shall meet upon notice from the Chairman of the Board, within 60 days of filing of an appeal, or at stated periodic meeting dates set annually by the Township Board of Supervisors. Notice of meeting shall comply with the Sunshine Act.

(Res. 2004-5, 7/14/2004, §7)

### **§708. Hearings.**

All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Building Code Official and any person whose interests are affected shall be given an opportunity to be heard.

(Res. 2004-5, 7/14/2004, §8)

**§709. Officers; Quorum.**

The Board of Appeals shall annually select one of its members to serve as Chairperson, Vice Chairman and Secretary and any other appropriate officers of the Board. The Board Secretary shall be responsible for overseeing the transcription and recordkeeping of matters of the Board and filing a detailed record of proceedings following each meeting and/or hearing. A quorum to conduct business shall consist of not less than three members of the Board. When at least three members of the Board of Appeals are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request postponement of the hearing. The Building Code Official serves as the Township's administrative official responsible for administrative support of the Board, as well as interpretation and enforcement of the UCC and shall have no vote on any matter before the Board of Appeals.

(Res. 2004-5, 7/14/2004, §9)

**§710. Powers and Duties.**

1. The Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time under the Pennsylvania Uniform Construction Code, as adopted and amended from time to time by the Township Board of Supervisors.
2. The Board of Appeals shall have exclusive jurisdiction to hear and render final appeal adjudications in matters related to determinations of the Building Code Official in accordance with the procedures outlined in the Pennsylvania Uniform Construction Code, as amended from time to time. Application for appeals heard by the Board of Appeals shall be based on a claim that the true intent of the Act or Uniform Construction Code has been incorrectly interpreted, the provisions of the Act or Uniform Construction Code do not fully apply, or an equivalent form of construction is to be used.
3. In accordance with the Pennsylvania Uniform Construction Code, the Board of Appeals shall not act upon appeals, requests for variance or requests for extension of time relating to accessibility.

(Res. 2004-5, 7/14/2004, §10, 11, 12)

**§711. Rules and Procedures.**

The Board of Appeals is authorized to establish its own rules and procedures necessary to carry out its duties. However, the following procedures shall apply to all appeals to the Board of Appeals:

1. An owner or owner's agent may seek a variance or extension of time or appeal of the Building Code Official's decision by filing a petition with the Building Code

## ADMINISTRATION AND GOVERNMENT

Official or other person designated by the Board of Appeals on a form(s) provided by the municipality.

2. The postmark date or the date of personal service will establish the filing date of the appeal and request for variance or extension of time.
3. An appeal or request for variance or extension of time to the Board of Appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action of the Pennsylvania Uniform Construction Code request (relating to unsafe building, structure or equipment) may not be stayed.
4. The Board of Appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.
5. The Board of Appeals shall hold a hearing within 60 days from the date of an applicant's written request for the hearing unless the applicant agrees in writing to an extension of time beyond the sixty-day period.
6. The Board of Appeals shall only consider the following factors when deciding an appeal under Section 501(c)(2) of the Act:
  - A. The true intent of the Act of Uniform Construction Code was incorrectly interpreted.
  - B. The provisions of the Act do not apply.
  - C. An equivalent form of construction is to be used.
7. The Board of Appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:
  - A. The reasonableness of the Uniform Construction Code's application in a particular case.
  - B. The extent to which the granting of variance or an extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.
  - C. The availability of professional or technical personnel needed to come into compliance.
  - D. The availability of materials and equipment needed to come into compliance.
  - E. The efforts being made to come into compliance as quickly as possible.
  - F. Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.

8. If the owner or owner's agent requests a hearing, the Board of Appeals shall schedule a hearing and notify the owner or owner's agent and Building Code Official of the date, time and place of the hearing.
9. The Board of Appeals may:
  - A. Deny the request in whole or in part.
  - B. Grant the request in whole or in part.
  - C. Grant the request upon certain conditions being satisfied.
10. The Board of Appeals shall provide a written notice of its decision to the owner and to the Building Code Official.
11. An owner shall file an appeal, request for variances and request for extension of time relating to accessibility with the Accessibility Advisory Board under Uniform Construction Code §403.142 (relating to Accessibility Advisory Board).

(Res. 2004-5, 7/14/2004, §13)

**§712. Effect on Actions.**

An appeal or request for variance or extension of time to the Board of Appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under UCC §403.84 (relating to unsafe building, structure or equipment) may not be stayed. The Building Official shall take immediate action in accordance with the final decision of the Board of Appeals.

(Res. 2004-5, 7/14/2004, §14)



**Part 8**

**Municipal Authority**

**§801. Name of Authority.**

The Board of Supervisors of this Township hereby agrees to organize an Authority under the Authorities Act to be known as "Conewago Municipal Authority."

(Res. No. 2005-3, 8/10/2005, §1)

**§802. Purpose and Powers.**

The Authority shall have such purposes and powers as set forth in the Authorities Act; provided, however, that the Board of Supervisors of this Township reserves the right to specify each project to be undertaken by the Authority from time to time by ordinance or resolution of this Township as provided in subsection (c) of 53 Pa.C.S.A. §5607.

(Res. No. 2005-3, 8/10/2005, §2)

**§803. Articles of Incorporation.**

The Chairman of the Board of Supervisors and the Secretary of this Township are authorized and directed to execute, in behalf of this Township, Articles of Incorporation for such Authority in substantially the following form:<sup>2</sup>

(Res. No. 2005-3, 8/10/2005, §3)

**§804. Publication of Notice.**

The appropriate officers of this Township are authorized and directed to cause Notice of the substance of this Part, including the substance of the foregoing Articles of Incorporation, and of proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.

(Res. No. 2005-3, 8/10/2005, §4)

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<sup>2</sup> Editor's Note: The Articles of Incorporation are not included herein. See Res. 2005-3 on file in the office of the Township Secretary.

## ADMINISTRATION AND GOVERNMENT

### **§805. Filing of Articles of Incorporation.**

The appropriate officers of this Township are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of required filing fees.

(Res. No. 2005-3, 8/10/2005, §5)

### **§806. First Members.**

The following named persons are appointed the first members of the Board of the Authority for the following initial terms of office:<sup>3</sup>

(Res. No. 2005-3, 8/10/2005, §6)

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<sup>3</sup> Editor's Note: The names of the first members have been omitted but may be found in Res. 2005-3, on file in the office of the Township Secretary.



**Part 9**

**Park and Recreation Advisory Board**

**§901. Title.**

This Part shall be known as the "Conewago Township Park and Recreation Advisory Board Ordinance."

(Ord. 2006-2, 8/9/2006, §1)

**§902. Establishment; Terms of Office; Compensation.**

There is hereby established a Conewago Township Park and Recreation Advisory Board, which shall consist of five residents of Conewago Township who shall be appointed by the Board of Supervisors. The terms of office shall be for a period of five years or until their successors are appointed. All members appointed to the Park and Recreation Advisory Board shall serve without pay and shall serve their full terms unless they voluntarily resign or are removed by the Board of Supervisors for dereliction or neglect of duty. Vacancies in the Park and Recreation Advisory Board occurring otherwise than by expiration of the term shall be for the unexpired term of the vacant position, and shall be filled in the same manner as the original appointment. The terms of office shall be so fixed that the term of one member shall expire each year. Inasmuch as a Township Park and Recreation Committee was previously established by Conewago Township Board of Supervisors, and inasmuch as the appointees thereto, and the terms of office thereof, generally correspond with the provisions of this Part, those appointees shall now serve on the Park and Recreation Advisory Board created herein for the duration of the term of office to which each was originally appointed, which terms expire on September 30, the first of which expires on September 30, 2007.

(Ord. 2006-2, 8/9/2006, §2)

**§903. Organization.**

During the month of October of each year, the members of the Park and Recreation Advisory Board shall reorganize and shall elect their own Chairman and Secretary and select all other officers to serve for a period of one year.

(Ord. 2006-2, 8/9/2006, §3)

**§904. Duties of the Board.**

The Park and Recreation Advisory Board shall be responsible for reviewing the recreational programs and facilities of the Township and shall make recommendations to the

## ADMINISTRATION AND GOVERNMENT

Board of Supervisors for new programs or facilities or for improving existing programs or facilities. It is anticipated that the advisory role will enable the Board to be the eyes and ears of the Supervisors as to public park and recreational needs and will allow the Advisory Board to concentrate on plans and programs since the Board of Supervisors will have operational and budgetary responsibility. The Advisory Board shall submit an annual report to the Board of Supervisors on or before March 1 of each year, which shall include an analysis of the community recreation areas, facilities and leadership, with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public needs to be met. The Advisory Board shall submit such other reports as the Board of Supervisors may request from time to time on specific subjects relating to parks and recreation. The Advisory Board shall meet no less than quarterly with the Board of Supervisors to exchange ideas and information.

(Ord. 2006-2, 8/9/2006, §4)

### **§905. Staff and Technical Assistance.**

Within the constraints of the Township budget and other demands, the Board of Supervisors shall work with the Advisory Board and supply such secretarial and technical assistance to the Advisory Board as the Board of Supervisors deems practical and appropriate.

(Ord. 2006-2, 8/9/2006, §5)

### **§906. Rules and Regulations; Violations and Penalties.**

1. Rules and regulations may be proposed by the Park and Recreation Advisory Board for use of various Township recreation areas and facilities. All rules and regulations shall be adopted by resolution of the Board of Supervisors.
2. Enforcement remedies.
  - A. If it appears to the Township that a violation of the rules and regulations adopted pursuant to this Part has occurred, the Township may initiate civil enforcement proceedings by complaint or such other means as may be provided by the Pennsylvania Rules of Civil Procedure; provided, however, that if the violation involves health, fire, public safety, solicitation, curfew, water, air or noise pollution, summary criminal proceedings may be filed pursuant to the Pennsylvania Rules of Criminal Procedure.
  - B. Civil enforcement remedies.
    - (1) Any person, partnership or corporation who or which has, violated or permitted the violation of rules and regulations adopted pursuant to this Part shall, upon being found liable therefor in a civil enforcement

proceeding commenced by the Township, pay a judgment of not more than \$600, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues and each section of this Part, including rules and regulations adopted hereunder, which shall be found to have been violated shall constitute a separate violation.

- (2) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.
- (3) District Justices shall have initial jurisdiction over proceedings brought under this section.

- C. Summary criminal violation and penalties. Any person, firm or corporation who shall violate any rules and regulations adopted pursuant to this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation continues or each rule or regulation which shall be found to have been violated shall constitute a separate offense.

(Ord. 2006-2, 8/9/2006, §6)

#### **§907. Operational Responsibility.**

The Conewago Township Park and Recreation Advisory Board shall be responsible for the operation of all Township recreation areas, facilities and programs, subject to the budgetary authorization established for those purposes by the Conewago Township Board of Supervisors.

(Ord. 2006-2, 8/9/2006, §7)